

ESTTA Tracking number: **ESTTA125849**

Filing date: **02/20/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Karsten Manufacturing Corporation
Granted to Date of previous extension	02/21/2007
Address	2201 West Desert Cove Phoenix, AZ 85029 UNITED STATES
Attorney information	John D. Titus The Cavanagh Law Firm 1850 North Central Avenue Suite 2400 Phoenix, AZ 85004 UNITED STATES JTitus@Cavanaghlaw.com Phone:602-322-4000

Applicant Information

Application No	78631806	Publication date	10/24/2006
Opposition Filing Date	02/20/2007	Opposition Period Ends	02/21/2007
Applicant	chaotic.com, inc. P.O. Box 1010 Great Falls, VA 22206 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Computer software for detecting and classifying objects in bodies of water for use in the field of sonar and sonar systems
Class 041. All goods and services in the class are opposed, namely: Education, namely, training services in the field of operating sonar and sonar systems
Class 042. All goods and services in the class are opposed, namely: Technical and engineering consulting services in the field of defense, namely, sonar signal processing analysis and sonar systems analysis

Attachments	Opp_ONE-PING.pdf (5 pages)(138527 bytes)
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Signature	/john d. titus/
Name	John D. Titus
Date	02/20/2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application of:	:	
	:	
Chaotic.com, Inc.	:	
	:	Opposition No. _____
Serial No.: 78/631,806	:	
	:	
Filing Date: May 17, 2005	:	
	:	
Publication Date: October 24, 2006	:	
	:	
Mark: ONE-PING		
Pending in Classes: 09, 41 and 42		

BOX TTAB FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

NOTICE OF OPPOSITION

Sir:

Karsten Manufacturing Corporation, an Arizona corporation with offices at 2201 West Desert Cove, Phoenix, Arizona ("KMC"), believes that it will be damaged by registration of the above-captioned mark by Chaotic.com, Inc. ("CHAOTIC") and hereby opposes said application under the provisions of §§ 2(d), 13, 43 and 45 of the Trademark Act of July 5, 1946, as amended, (15 U.S.C. § 1051 *et seq.*).

The grounds for opposition are as follows:

1. KMC is the owner of various trademarks and trademark registrations for the mark PING® including:

Registration No. **3,171,974** filed January 10, 2003 and registered November 14, 2006 in **Class 03** for sun block;

Registration No. **2,809,860** filed June 7, 2002 and registered February 3, 2004 in **Class 06** for metal key rings;

Registration No. **2,909,185** filed December 23, 2002 and registered December 7, 2004 in **Class 08** for pocket knives;

Registration No. **2,810,552** filed November 14, 2002 and registered February 3, 2004 in **Class 09** for computer carrying cases;

Registration No. **3,171,975** filed January 10, 2003 and registered November 14, 2006 in **Class 09** for refrigerator magnets, calculators, calculators;

Registration No. **2,936,630** filed June 7, 2002 and registered March 29, 2005 in **Class 14** for men's and women's watches;

Registration No. **2,936,630** filed June 7, 2002 and registered March 29, 2005 in **Class 14** for men's and women's watches;

Registration No. **1,638,323** filed May 30, 1989 and registered March 19, 1991 in **Class 16** for newsletters on professional golf;

Registration No. **3,174,437** filed May 23, 2002 and registered November 21, 2006 in **Class 16** for notebooks, ball-point pens, pencils, appointment books, calendars and day planners.

Registration No. **1,647,448** filed January 16, 1990 and registered June 11, 1991 in **Class 18** for golf accessories, namely, umbrellas and travelling bags;

Registration No. **2,810,551** filed November 14, 2002 and registered February 3, 2004 in **Class 18** for travel document cases and toiletry cases sold empty;

Registration No. **2,773,222** filed June 6, 2002 and registered October 14, 2003 in **Class 18**, **25**, and **28** for travel covers for golf bags, leather gloves and belts made of leather, back packs fanny packs, brief cases, garment bags and shoe bags for travel, valuable pouch, and duffel bags;

Registration No. **2,909,186** filed December 23, 2002 and registered December 7, 2004 in **Class 20** for chairs;

Registration No. **2,822,249** filed June 7, 2002 and registered March 16, 2004 in **Class 21** for plastic water bottles sold empty;

Registration No. **2,909,187** filed December 23, 2002 and registered December 7, 2004 in **Class 21** for mugs;

Registration No. **2,998,878** filed November 12, 2002 and registered September 20, 2005 in **Class 21** for wastepaper baskets;

Registration No. **2,909,188** filed December 23, 2002 and registered December 7, 2004 in **Class 22** for lanyards for holding eyeglasses;

Registration No. **2,823,210** filed November 12, 2002 and registered March 16, 2004 in **Class 24** for towels;

Registration No. **1,637,647** filed July 3, 1989 and registered March 12, 1991 in **Class 25** for clothing, namely shirts, caps sweaters, and sun visors;

Registration No. **2,810,550** filed November 14, 2002 and registered February 3, 2004 in **Class 25** for mittens;

Registration No. **2,810,601** filed January 13, 2003 and registered February 3, 2004 in **Class 25** for caps and visors;

Registration No. **3,199,150** filed June 6, 2002 and registered January 16, 2007 in **Class 25** for slacks, shorts, skorts, sweatshirts, windshirts, woven shirts, sweater vests, jackets, belts, rainwear, and socks.

Registration No. **3,171,976** filed January 10, 2003 and registered November 14, 2006 in
Class 26 for embroidered emblems;

Registration No. **3,177,633** filed December 23, 2002 and registered November 28, 2006 in
Class 27 for rugs;

Registration No. **704,552** filed September 3, 1959 and registered September 20, 1960 in
Class 28 for golf clubs;

Registration No. **1,632,445** filed July 6, 1989 and registered January 22, 1991 in **Class 28**
for sporting goods, namely, golf bags, golf balls, and head covers for golf clubs;

Registration No. **2,923,069** filed January 13, 2004 and registered February 1, 2005 in
Class 28 for golf clubs;

Registration No. **3,171,977** filed January 10, 2003 and registered November 14, 2006 in
Class 32 for drinking water;

Registration No. **1,633,477** filed May 1, 1989 and registered January 29, 1991 in **Class 41**
for Sponsoring Golf Professionals; and

Registration No. **2,870,863** filed June 3, 2002 and registered August 10, 2004 in **Class 41**
for training and educating sporting goods dealers to fit golf clubs to customers, golf club fitting,
sponsoring amateur golf tournaments for men, women and for junior golfers, and sponsoring
professional golf tournaments.

(The foregoing marks are collectively referred to herein as the "PING marks.")

2. CHAOTIC is owner of the above-captioned application, which was filed under section
1(b) of the Trademark Act for the following goods and services:

IC 009: Computer software for detecting and classifying objects in bodies of water for use in
the field of sonar and sonar systems

IC 041: Education, namely, training services in the field of operating sonar and sonar
systems

IC 042: Technical and engineering consulting services in the field of defense, namely, sonar signal processing analysis and sonar systems analysis

3. The PING marks all have registration and/or application dates that are prior to the filing date of the above-captioned application. Many of the PING marks are incontestable.

4. KMC directly and/or through its wholly owned subsidiary Ping, Inc. has used the PING marks in an open and public manner in the United States since prior to the filing date of the above-referenced application; and has not abandoned such use.

5. PING® is a famous mark within the meaning of §43(c) of the Lanham Trademark Act.

6. CHAOTIC's application for the above-captioned mark should be refused because the mark is likely to cause confusion and/or is likely to dilute the distinctiveness of the PING trademark and service mark and because CHAOTIC's mark is primarily merely descriptive of the goods and services described in the application.

WHEREFORE, KMC prays for an Order sustaining this Opposition and refusing application of the above-captioned mark, and for such other relief as may be proper.

Respectfully submitted,

THE CAVANAGH LAW FIRM

By 

David Van Engelhoven

John D. Titus

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Date: February 20, 2007

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